

Kerry S. Culpepper (admitted *pro hac vice*)
CULPEPPER IP, LLC
75-170 Hualalai Rd., STE B204
Kailua-Kona, HI 96740
Telephone: (808) 464-4047
Facsimile: (202) 204-5181
Email: kculpepper@culpepperip.com

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

)	
)	
In re:)	Chapter 11
)	
FRONTIER COMMUNICATIONS)	Case No. 20-22476 (MG)
CORPORATION, <i>et al.</i> ¹)	
)	(Jointly Administered)
)	
)	

**MOVIE COMPANY CLAIMANTS' OBJECTIONS TO EXHIBITS AND
DECLARATIONS IN FRONTIER'S OPPOSITION BRIEF**

Frontier's witness Mr. Levan asserts that "On March 2, 2020, I extended this period to 12 months at the recommendation of Frontier's outside counsel, David Weslow." Decl. of Levan [Doc.#2469-28] at ¶6. MCCs object to Frontier's attempt to prove the innocence of its conduct based upon advice from its outside counsel David Weslow without producing the underlying communications. Frontier has repeatedly asserted attorney-client privilege over communications with Mr. Weslow. *See, e.g.*, Doc. #2418 (Order not requiring Frontier to produce for *in camera* review a copy of "a communication between Frontier and Frontier's outside counsel over which

¹ Due to the large number of debtor entities in these chapter 11 cases, for which joint administration has been granted, a complete list of the debtor entities and the last four digits of their federal tax identification numbers are not provided herein. A complete list of such information may be obtained on the website of the Reorganized Debtors' claims and noticing agent at <https://cases.primeclerk.com/ftt>. The location of the Reorganized Debtors' service address for purposes of these chapter 11 cases is: 50 Main Street, Suite 1000, White Plains, New York 10606.

Frontier asserts attorney-client privilege.”). Frontier should not be permitted to argue it changed its retention time based upon advice of outside counsel rather than in response to demand letters without producing the outside counsel communications. *See United States v. Bilzerian*, 926 F.2d 1285, 1293-1294 (2d Cir. 1991).

MCCs object to paragraphs 6-8 of the declaration of Albert Mauri under hearsay (FRE 802) and the best evidence rule (FRE 1002). Mr. Mauri states that he reviewed records with respect to any legal holds instituted with respect to Cecilia Stiber and that a single hold in place at time of Ms. Stiber’s departure was expressly described as a strategic hold. *See* Decl. of Mauri [Doc. #2469-30] at ¶¶6-8. But Frontier has not produced the legal holds or the records to which Mr. Mauri refers. Rather, Frontier has asserted attorney-client privilege over the legal holds.

MCCs object to Appendix C [Doc. #2469-26]. Appendix C is not a factual summary under FRE 1006 summary but rather Frontier’s inaccurate opinion of each document.

DATED: Kailua-Kona, HI, Dec. 23, 2024.

/s/ Kerry S. Culpepper
Kerry S. Culpepper
CULPEPPER IP, LLC
75-170 Hualalai Road, Suite B204
Kailua-Kona, Hawaii 96740
Telephone: (808) 464-4047
Facsimile: (202) 204-5181
E-Mail: kculpepper@culpepperip.com

CERTIFICATE OF SERVICE

I hereby certify that on Dec. 23, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing to all ECF recipients in the above-captioned matter.

Pursuant to the Case Management Order #1 [Doc. #2229] applying Part VII rules including Fed. R. Bankr. P.7005 to this contested matter – Movie Company Claimants have complied with their service obligations by serving counsel for all Parties in this contested matter pursuant to Fed. R. Civ. Pro 5(b)(2)(E) for service by the above ECF submission.

Dated: Kailua-Kona, HI Dec. 23, 2024

/s/ Kerry S. Culpepper
Kerry S. Culpepper (admitted *pro hac vice*)
CULPEPPER IP, LLC
75-170 Hualalai Rd., STE B204
Kailua-Kona, HI 96740
Telephone: (808) 464-4047
Facsimile: (202) 204-5181
Emails: kculpepper@culpepperip.com